

### **REMARKS**

This is in response to the Office Action mailed January 8, 2008. Claim 13 has been canceled. Claims 1, and 14-20 have been amended. Support for the currently amended claims can be found throughout the specification and claims as originally filed, for example, in originally filed claim 13. Upon entry of the present amendment claims 1-2, 4, 6, 10, 11, and 14-21 remain pending, and claims 23-34 remain withdrawn.

*No new matter has been added.* Amendment of the claims is made solely to expedite prosecution of the above-identified application. Applicants reserve the right to prosecute the same or similar claims in the present or another patent application. The amendments made are not related to any issues of patentability.

Applicants thank the Examiner for withdrawing the rejections from the previous Office Action.

### **Rejections Under 35 U.S.C. § 112 First Paragraph**

The Office Action has rejected claims 1-2, 4, 6, 10-11, 13-21 under § 112 ¶ 1 as failing to comply with the written description requirement. Specifically, the Office Action states that in claim 1, the feature “pH ...to about 5” is not supported in the specification. Applicants respectfully traverse this rejection.

Solely in order to expedite prosecution, and without acquiescing to the Office Action’s rejection, Applicants have amended claim 1 to recite “pH...to about 4.” Support for this range can be found throughout the specification, specifically at page 12, lines 26-28. Accordingly, Applicants respectfully request withdrawal of this rejection.

### **Rejections Under §103(a)**

*Heinlein et al. (U.S. Pat. No. 4,093,417)*

Claims 1-2, 6, 10-11, 13, 15, 20 and 21 are rejected under 35 USC §103(a) as being unpatentable over Heinlein et al. Applicants respectfully traverse this rejection.

The Office Action states that it would have been obvious to one of skill in the art to perform the claimed method, because Heinlein et al. teaches “that in commercial laundries it may be of advantage to wet the dirty wash at first slightly alkaline in order to saturate the fibers and protein stains prior to the acid bath, then it is brought into the first main alkaline wash cycle.” Applicants respectfully submit that this does not teach or suggest the presently claimed invention.

Heinlein et al. teaches a method for washing textiles including first prewashing the textiles in an acid wash solution, and then washing them in an alkaline liquor. *See* Abstract. Heinlein et al. also discloses that in commercial laundries, it may be advantageous to “wet” the dirty wash at a neutral or slightly alkaline pH. *See* Col. 5, lines 15-20.

The presently claimed method comprises first washing the laundry with a detergent use solution at an alkaline pH. A separate antimicrobial and bleaching composition is then applied to the laundry, wherein a pH adjusting agent is added to the antimicrobial and bleaching composition to raise the pH from between about 2 to about 4 to between about 8 to about 11. Heinlein et al. does not teach such a method. Applicants submit that “wetting” the laundry as taught by Heinlein et al. is not the same as, nor does it suggest, first washing the laundry as is presently claimed.

Further, Heinlein et al. teaches first washing in an acidic prewash, and then washing in a main wash. This is not the same as the claimed method which requires washing the laundry with

an alkaline detergent, and then applying an antimicrobial and bleaching composition, i.e., one composition which has both bleaching and antimicrobial properties depending on the pH of the use solution. Heinlein et al. does not teach or suggest a single composition applied to laundry after it has been washed, wherein the composition has both antimicrobial and bleaching properties. Rather, Heinlein et al. teaches an acidic prewash followed by a separate conventional main wash.

Further, Heinlein et al. does not teach or suggest that a pH adjusting agent is added to cause a shift in the pH during the application of the bleaching and antimicrobial composition. The Office Action states that Heinlein et al. teaches that the acidic prewash detergent may contain an alkaline solution in microcapsulated form. Applicants submit however, that Heinlein et al. does not teach that this is used as a pH adjusting agent, or that it is even released at all during the acidic prewash step.

Applicants also submit that Heinlein et al. teaches away from the use of an oxygen bleach in an acidic environment as is presently claimed. Heinlein et al. states that sodium bisulfate can be mixed with perborate to yield a powder with the advantage of oxygen bleaching. *See* col. 6, lines 27-31. However, Heinlein et al. further states that the “disadvantage is that the commercial optical brighteners normally show a reversible yellowing in an acid environment, which leads...to a transformation into a yellow pigment whose coloration is no longer reversible.” *See* col. 6, lines 32-36. Thus, Applicants submit the presently claimed method would not have been obvious to one of skill in the art based on the teachings of Heinlein et al.

*Lindner et al. (U.S. Pat. No. 3,131,991)*

Claims 1-2, 4, 6, 10, 13, 15, 20 and 21 are rejected under 35 USC §103(a) as being unpatentable over Lindner et al. Specifically, the Office Action states the presently claimed invention would be obvious to one of skill in the art because Lindner et al. teaches that the “alkaline component liquid water-containing concentrate is added to the washing medium for the article to be treated prior to the adding of the acid component liquid water-containing concentrate, and that the acid and alkaline concentrates may be introduced into the wash water in any desired sequence.” Applicants respectfully traverse this rejection.

Lindner et al. teaches a detergent for an article to be washed and bleached in a washing medium “which comprises measured quantities of two separately maintained discrete liquid water-containing concentrates of washing-active and active oxygen-containing components, including an acid component...and an alkaline component...the amount of alkaline reacting compound being adjusted to render the combined concentrates of sufficient pH for effecting overall the washing and bleaching treatment. The pH, in this regard, may suitably range between 7.5 and 11.” *See* col. 3, lines 5-19. Further, in the Examples section, Lindner et al. teaches that by dissolving the alkaline concentrates with the acid concentrates in water, “suitable washing solutions of alkaline reaction are obtained. Such solutions possess a pH value which is situated between 8.8 and 9.5.” *See* col. 6, 57-65.

Applicants respectfully submit that the method taught by Lindner et al. does not teach or suggest the presently claimed invention. Lindner does not teach washing laundry with a detergent use solution at an alkaline pH, followed by application of a bleaching and antimicrobial composition. Rather, Lindner teaches combining an acidic concentrate with an alkaline concentrate, in any order, to create a neutral or slightly alkaline use solution. No where

does Lindner disclose that the laundry is subjected to a pH shift to both bleach and sanitize the laundry. To the contrary, the acidic and alkaline concentrates of Lindner are combined to make a neutral wash solution. Thus, Applicants respectfully submit that the two part concentrate system of Lindner does not render the presently claimed method obvious.

*Additional § 103(a) Rejections*

In addition to the references and rejections discussed above, the Office Action has rejected claim 14 under § 103(a) as unpatentable over Heinlein et al. (U.S. Pat. No. 4,093,417) or Lindner et al. (U.S. Pat. No. 3,131,991) in view of Werdehausen et al. (U.S. Pat. No. 3,718,597); and claims 16-19 under §103(a) as unpatentable over Heinlein et al. (U.S. Pat. No. 4,093,417) or Lindner et al. (U.S. Pat. No. 3,131,991) in view of Barnes (U.S. Pat. No. 4,988,363) Applicants respectfully traverse these rejections.

Claims 14 and 16-19 ultimately depend from independent claim 1. Applicants believe that claim 1 is patentable in light of the prior art of record for the reasons discussed above. Applicants do not believe that the combinations of Heinlein et al., Lindner et al., Werdehausen et al. or Barnes remedy the shortcomings of the prior art identified above. Accordingly, it is respectfully request that these rejections be withdrawn.

### **Summary**

It is respectfully submitted that each of the pending claims is in condition for allowance, and notification to that effect is kindly requested. The Examiner is invited to contact the Applicants' primary attorney-of-record, Anneliese S. Mayer, at (651) 795-5661, if it is believed that prosecution of this application may be assisted thereby.



Respectfully submitted,

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